

BOARD OF POLICE COMMISSIONERS

Minutes of the Board of Police Commissioners Meeting Thursday, August 21, 2003

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, August 21, 2003, at 3:00 p.m., at the Police Headquarters, 1300 Beaubien, Room 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Willie E. Hampton
Arthur Blackwell, II
Erminia Ramirez
Edgar L. Vann, Jr.
Megan Norris

Department Personnel Present

AC Walter E. Shoulders
AC Ella Bully-Cummings
AC Tim Black
Insp. Long
Lt. Lloyd Sharper
Lt. Woodford
Lt. Star
Sgt. Lillian Cunningham
Sgt. Meisel
Sgt. D. Jackson
Sgt. James Hawthorne
Inv. Ewald
PO Huggins

Board Staff Present

Dante' L. Goss, Exec. Director
Denise R. Hooks, Attorney/Supv. Investigator
Arnold Sheard, Interim Chief Investigator
Ainsley Cromwell, Supervisory Investigator
Lt. Lloyd Sharper, Office of the Chief Investigator
E. Lynise Bryant-Weekes, Personnel Director

OTHERS PRESENT

Ron Scott
Ms. Walters
Mr. Cracioholo
WWJ 960 (Mike Payne)
Fox 2 (Ron Savage)

RECORDERS

Jerome Adams
Felicia Hardaway

5. CALL TO ORDER

Chairperson Hampton called the regular meeting of the Detroit Board of Police Commissioners to order at 3:12 p.m.

6. APPROVAL OF MINUTES

MOTION: **Commissioner Hampton** made the motion to approve the minutes of Thursday, August 7, 2003, and Thursday, August 14, 2003.

SECOND: **Commissioner Vann** seconded the motion.

VOTE: All in attendance voted in the affirmative.

7. REPORT FROM THE CHAIR

**RESOLUTION HONORING
REV. JAMES C. PERKINS**

WHEREAS Rev. James C. Perkins is a resident and community leader in the City of Detroit; and

WHEREAS Rev. Perkins has been the pastor of the Greater Christ Baptist Church, located in the Seventh Precinct, for the past 22 years; and

WHEREAS Rev. Perkins serves both the church congregation and the surrounding community by instituting a Counseling Center, ministries for youth, singles and couples, Fiscal Educational Programs, and academic recognition; and

WHEREAS Rev. Perkins serves on the Board of Directors for the Detroit Design Collaborative, as a member of the St. John Health System Community Advisory Council, and as a member of the NAACP; and

WHEREAS Rev. Perkins founded the Fellowship Nonprofit Housing Corporation as a vehicle for community economic development,

NOW, THEREFORE, BE IT

RESOLVED That the Detroit Board of Police Commissioners, speaking for the citizens of the City of Detroit and the Detroit Police Department, acknowledges the generous spirit of Rev. Perkins. His unselfishness and dedication to improving the quality of life for all citizens in his community and throughout the City of Detroit merits our highest regards.

We thank and congratulate you, Rev. James C. Perkins.

/s/ Willie Hampton
Chairperson

/s/Arthur Blackwell
Vice Chairperson

/s/Erminia Ramirez
Commissioner

/s/Edgar L. Vann, Jr.
Commissioner

/s/Megan P. Norris
Commissioner

DETROIT BOARD OF POLICE COMMISSIONERS

AUGUST 14, 2003

MOTION: **Commissioner Vann** made the motion to adopt the resolution for Rev. James C. Perkins.

SECOND: **Commissioner Blackwell** seconded the vote.

VOTE: All in attendance voted in the affirmative.

Comm. Vann stated that he wanted to point out that one of the things unfortunately missing from this resolution, which he felt was very noteworthy as it relates to Dr. Perkins is the establishment of the Benjamin E. Mays Male Academy. Which is a great school on the eastside that Dr. Perkins established and is really one of the high compliments of his ministry, and one of the great contributions to this collective community. He didn't know how it was omitted but it is one of the great things that we should be saluting him for.

Comm. Blackwell stated that without objection, maybe we could amend the resolution to reflect that?

Comm. Vann stated yes. Maybe that should be added to the resolution. It is a very important thing that should not be missed.

Comm. Hampton asked if that was a motion?

Comm. Blackwell stated well it is friendly.

Comm. Hampton stated that the Board would adhere to that and concur with including that information into the resolution for Rev. Perkins.

Comm. Hampton introduced the new supervisor for the Office of the Chief Investigator, Lt. Lloyd Sharper.

Lt. Lloyd Sharper stated that he wanted to thank the Board of Police Commissioners. He looks forward to the opportunity of serving the Board and the citizens of this great city.

8. SECRETARY REPORT – EXEC. DIR. GOSS

Suspensions

On August 21, 2003, **Police Officer James Lewis**, badge 206, assigned to the Tenth Precinct, was suspended **without pay** by Chief Jerry A. Oliver, Sr.

On August 18, 2002, the Professional Accountability Bureau was notified of an alleged act of misconduct on the part of Police Officer James Lewis. More specifically, it was alleged that, while on-duty and assigned to the Narcotics Section, Officer Lewis swore to false information before a Court to obtain a search warrant for a residence located in the city of Detroit and provided false information to superior officers of the Detroit Police

Department implicating a member of the Department in criminal activity, felony in nature. An Internal Affairs investigation was initiated which revealed the following:

On September 6, 2002, Officer Lewis was the affiant on a search warrant concerning narcotic activity at a residence located in the city of Detroit. In doing so, Officer Lewis indicated before the Court that the source of his information was a specifically named individual who worked with him on nine (9) separate occasions which resulted in four (4) arrests for a violation of the Controlled Substance Act along with seizures of cocaine, heroin, and thousands of dollars of United States Currency.

On September 17, 2002, Officer Lewis approached his supervisor and advised his supervisor that he had observed a member of the Narcotics Section convert to his or her own use property and/or money belonging to another during the course of law enforcement activity at a residence located within the city of Detroit on or about August 18, 2002. Officer Lewis also indicated that he observed a videotape of the incident. The Internal Affairs Section then executed a search warrant on the residence in an attempt to locate the videotape of the incident. The search met with negative results.

Subsequently, two (2) named individuals reported to the Wayne County Prosecutor's Office and provided the following information:

- That the information Officer Lewis supplied to the Court to obtain the search warrant was untruthful in that the individual named as the confidential informant in the search warrant did not work with Officer Lewis and did not supply Officer Lewis with any information as indicated in the search warrant;
- That the member of the Department Officer Lewis implicated in criminal activity of a felony nature did not convert any property and/or money belonging to another to his own use; and
- That a videotape of the incident never existed.

On July 26, 2003, a two (2)-count felony warrant was issued against Officer Lewis charging him with "Perjury In A Search Warrant and Filing A False Felony Report."

Based on the above circumstances, it is recommended that Police Officer James Lewis be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNPROFESSIONAL; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT CODE OF CONDUCT, SERIES 102.3-5.7 SECTION 3.

Unless contravened by this Commission, the above suspension without pay will stand.

Comm. Blackwell was anyone here representing the officer from the Department on this particular case?

Exec. Dir. Goss stated that they normally don't for felonies.

Comm. Blackwell stated okay. So he has been charged with a felony?

Exec. Dir. Goss answered yes.

Comm. Blackwell stated that maybe this happens a lot but he was just curious. Does this person have a long record?

Exec. Dir. Goss stated that he did not have that information.

Comm. Blackwell stated that the question he would like to ask is that this is a pretty restricted amount of information from which the Board is being asked to contravene or not contravene. It just does not give us a whole lot of information to be able to ponder. Is that normal how it is done?

Comm. Norris stated usually in felony cases because the Union is not contesting them, because if they are charged with a felony, they cannot serve on the Department. Normally, we do not get a lot of information. If it is one that the Department thinks is less clear cut, they are more inclined to provide more information because the Board is more likely to question it.

Comm. Blackwell answered but that is the responsibility of the Department. What is our obligation?

Comm. Norris stated to decide whether we want to contravene or not contravene.

Comm. Blackwell asked based on this amount of information?

Comm. Norris answered yes.

Comm. Hampton stated that we could hold it in abeyance if you see

Comm. Blackwell stated that he is not suggesting that he wanted to do that. He is suggesting that it is very difficult and the Board is being asked whether to concur or contravene or not contravene based on this limited amount of information. He stated he would like to know more about it. It seems like there is more to it. He stated in the future, he did not know if there is more information that the Board will receive; certainly for us to be in a position to make that kind of decision, this does not really give us much to chew on.

Comm. Blackwell addressed to Chairperson Hampton and former Chairperson Vann that he does not know how the Board does this. It almost looks like the Board does not even need to see this.

Comm. Norris stated that even if it is a felony, even if the person could not perform their duties; the Department has to bring these to us if they want them suspended without pay. They have no choice.

Comm. Blackwell stated this get to my whole point of maybe we are talking about looking at the charter. They have to bring it but at the same time, it is almost perfunctory in terms of it's a felony charge and we have nothing to say. Are we really discharging what we are supposed to and really see whether or not this is something that merits a suspension without pay? I don't believe that we are putting ourselves in a position to make that determination based on what is in front of us. He stated that if it is something through the rules committee or through further investigation. If these are going to come, I would rather lobby for a charter change if it doesn't come. Then, that way, the police department or the Chief's office will be responsible for this decision. Right now, we are not culpable, but we are saying we concur with it and we don't have a lot of information. I'm sure the Chief may have more information than this to make that a suspension without pay.

Comm. Norris stated that is probably correct. Although in the felony cases, we sometimes get them the day the charges come down before there has been any departmental investigation or anything; we sometimes get them as soon as there is a charge.

Comm. Hampton asked would it be necessary for the Commissioners to put a sub group together to explore what the....

Comm. Norris stated that we have a policy committee.

Comm. Blackwell stated that we have a committee. I just think that in this instance, we are basically being asked to make a decision whether we make one or not. By not contravening, we are making a conscious decision. If we are going to be responsible, I think that the Board needs to know a little more. I'm not trying to....something is fishy. It might not be fishy to the

person that sent it up here but to us, we are like, "oh, well." This guy is a bad guy but obviously if our courts were set up like this is set up, and this was all of the information that was given to prove whether his innocence or guilt, he would be in bad shape.

Comm. Hampton stated maybe the policy committee can explore and look at ways to provide more information.

Comm. Blackwell stated or we just find a way where we look at and don't need this stuff.

Comm. Norris stated that it is a charter issue, but that's probably the approach. We have directed Atty. Nancy Ninowski because in a lot of these cases, she was making a lot of arguments based on facts that were never presented to us and we have said that we are not supposed to consider those; and if those are important to your suspension, you have to bring them on. She has been doing that but in the cases that are not contested, my guess is that they are just not amplifying them that much more.

Comm. Ramirez asked Comm. Blackwell if he was on the policy committee?

Comm. Blackwell stated that I am but at a full board meeting, we are all on the policy committee at that particular date. He stated that there is a lot going on at the Detroit Police Department as it relates to the Justice Department. You read something like that and it seems like there is something behind it. It would be nice to have more information if we are going to be part of the chain of discipline, which we are. If he and I said we contravened, then he could not get suspended without pay. We could not say that based on the information but for somebody who works off a doctrine of innocent until proven guilty, for some of us, not you because you are a barrister, but for the rest of us, it makes me think that are really giving this guy a fair shake not really knowing.

Exec. Dir. Goss read the following:

Unless contravened by this Commission, the above suspension without pay will stand.

On August 21, 2003, **Police Officer Tamieka Moorehead**, badge 3078, assigned to the 11th Precinct, was suspended without pay by Chief Jerry A. Oliver, Sr.

On August 18, 2003, at approximately 2:00 a.m., the Professional Accountability Bureau was notified of an alleged act of misconduct on the part of Police Officer Tamieka Moorehead. More specifically, it was alleged

that while off duty Officer Moorehead did discharge her department issued weapon, thereby striking her husband in the neck and shoulder.

According to the information, On August 18, 2003, at approximately 1:35 a.m., at a residence located within the city of Detroit, Mr. Moorehead was asleep when he was awakened by Officer Moorehead throwing water on him. After which, Officer Moorehead discharged her department issued firearm at him in the neck and in the shoulder. After observing that Mr. Moorehead had been wounded, Officer Moorehead went to her neighbor's home to seek assistance. Mr. Moorehead was subsequently conveyed to Sinai Grace Hospital, where he was listed in critical condition.

On August 19, 2003, felony warrant #36-64278 was issued charging Officer Moorehead with "Assault With Intent to Commit Murder and Felony Firearm."

Based on the above circumstances, it is recommended that Officer Moorehead be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT, UNPROFESSIONAL/CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF DETROIT POLICE MANUAL SERIES 100. CHAPTER 102, DIRECTIVE 3, PARAGRAPH 5, SUB-PARAGRAPH 7 (102.3-5.7).

Unless contravened by this Commission, the above suspension without pay will stand.

Comm. Blackwell asked basically what happens is that they do an investigation. He asked if this is not just that one person telling their side of the story, clearly they do an investigation? correct, to reach this conclusion?

Comm. Norris stated again in felony cases, the Prosecutor has done that. The Prosecutor has charged the person. They have done whatever they would do to charge the person, and based on that felony charge; the Department takes action. It is her understanding, and AC Shoulders can correct me if I am wrong: In all of these criminal cases, the Department then conducts its own investigation which isn't just looking at criminal activity, its looking at policies and anything else. But, they do not necessarily wait for that in a felony case.

Comm. Blackwell stated that we just react to the fact that they have charged by the Prosecutor and based on that information, even though it is a charge, at that point, based on the rules, they could not work anyway?

Comm. Norris answered right.

Comm. Blackwell asked so they have been charged with a felony?

Comm. Norris answered right.

Comm. Blackwell answered okay.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
Weekly Count of Complaints:	28	770
Weekly Count of Allegations:	49	1,581
Arrest	2	67
Demeanor	15	505
Entry	2	24
Force	1	127
Harassment	2	55
Procedure	17	543
Property	1	72
Search	1	47
Service	8	140

Pending Cases

As of August 20, 2003, the Office of the Chief Investigator (OCI) has a total of **644 pending cases**, which include **203 cases** with an age of 0-45 days, **52 cases** with an age of 46-60 days, **115 cases** with an age of 61-90 days, and **85 cases** with an age of 91-120 days, **138 cases** with an age of 121 days – 6 months, and **51 cases** with an age of 7-9 months.

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During the past week:	23	Year to Date:	680
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9. CHIEF'S REPORT

DETROIT POLICE DEPARTMENT MIND'N OUR BUSINESS

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of August 13-19, 2003:

ORGANIZED CRIME & GANGS DIVISION

The Conspiracy Intelligence, North-West South-East and Vice Sections conducted eight (8) enforcement actions that resulted in (7) felony, (9) misdemeanor arrests. These enforcement actions reflected in the confiscation of 1,000 grams of methamphetamine, 16 grams of heroin, 531.3 grams of cocaine and 2,530 grams of marijuana with a street value of \$651,440.00. \$8,291.00 in U.S. currency, (9) miscellaneous ordinances were issued, and (6) vehicles were confiscated.

SECOND PRECINCT

On August 14, 2003, officers of the 2nd Precinct observed a subject in the area of Chicago and Schaefer breaking into an ATM machine. The subject attempted to flee on foot. However, he was arrested without incident.

SIXTH SECTION

On August 17, 2003, officers of the 6th Precinct received a police run to 17706 Plymouth, *Oil Exchange*, on a "Breaking & Entering in Progress." As a result of their investigation, three subjects were arrested and charged with "Breaking & Entering Building."

SEVENTH PRECINCT/HARBORMASTER UNIT

On August 16, 2003, a female was attempting to jump off the MacArthur (Belle Isle) Bridge. Officers from the 7th Precinct and Harbormaster Unit

responded to the location and talked the subject down. She was conveyed to a local Crisis Center.

THIRTEENTH PRECINCT

On August 15, 2003, officers of the 13th Precinct while on patrol, observed two subjects at 210 Henry, *Paul's Market*, removing items from the store. Both were arrested and charged with "Breaking & Entering Building."

Chief of Police Jerry A. Oliver, Sr.

10. OTHER BUSINESS

Comm. Vann wanted to take a moment to commend the leadership and the men and women of the Department for a Herculean job during the blackout last week. He was out quite a bit and got a chance to observe a lot and was in communication with a lot of people in the community, especially through his church membership. During that time, it appears that everyone, most especially the Mayor of our city, and as he continued to direct other city personnel and specifically for the day the police department and others. It is something to be really proud of. At these meetings, we often say among ourselves that we receive so many despicable things; we look at so many negative things all the time. We kind of wash the dishes around here in so many instances, but when there is such an outstanding job being done by the police officers, and the police department specifically; our entire city, workers, and citizens came together as well helping each other. You know passing barbecue down the backyard or across the fence, you know that type of thing. Helping each other with water, pushing each other. He saw what he assumed to be a suburban resident in the city that first evening, and was trying to get home and members of the Detroit community were assisting them.

Its just so unfortunate that some of the media reports after they had a chance to think about it, and wanted to tell the truth at first because it was a crisis and then tried to come up with a political spin, (Mike), later tried to say there were so many unusual crimes going on. Like somebody breaking in a school doesn't happen on a normal night. Somebody breaking into a pop machine as if it is news. I wanted to take a moment on record to take the time to commend our Mayor, first of all. Our Chief, and the leadership of the department, which is here to today. Assistant Chief Shoulders and all of the men and women of the department for whatever sacrifices were made. Overtime, whatever was done to really ban

together to make this national crisis a virtually safe one for just about everybody here in the city of Detroit. I think that is worthy of us pausing to take note of.

Comm. Hampton commended the Board of Police Commissioners staff that did a yeoman's job as well. At our last meeting, the Chief got by but he didn't get away. We have to reschedule the Taser® presentation and we will make sure that his schedule will permit him to be at the next meeting that we can have that presentation.

Comm. Blackwell stated that he wished to congratulate his colleagues who made the meeting last week.

Comm. Norris stated that yes, there was a meeting. I will say to my fellow male Commissioners that Comm. Ramirez and I were planning to be tased and the moment the lights went out, I said, "there is not a better sign from God," I think that we will be standing up at the next one so we are just letting you know that the bar has been set.

Comm. Hampton stated we will hold you to that.

Comm. Blackwell asked will you still be tased?

Comm. Norris answered that is what we are planning to do.

Comm. Blackwell stated this is just a personal sad note on this incident with the gentleman allegedly shooting his children because of pending divorce from his wife. He is opposed to the death penalty, but whenever he hears a story such as this, it makes you consider because of the nature in which it was done. To the men and women who have to go and discover these crime scenes, he wants to make sure that these men and women get the proper kind of counseling to help them deal with these crime scenes. He knows that they see things everyday, but sometimes its worse than others. He could not think of a worse situation to have to walk into and see four (4) young children. Three (3) of them are gone and one (1) is in critical condition. Comm. Blackwell stressed to AC Shoulders the importance of our officers receiving counseling needed to help them deal with these situations.

AC Shoulders stated that the Department would take care of that through AC Ella Bully-Cummings who is over the Medical Section. She will look into it.

7. ORAL COMMUNICATION FROM THE AUDIENCE

Mr. Cracioholo addressed the bad behavior displayed in Detroit by the media. He inquired to AC Shoulders regarding the incident of a Detroit citizen who was killed by

the East Pointe Police Department. He wanted to know what part did the Detroit Police Department have in the investigation.

AC Shoulders stated that the Detroit Police Department has communication with the Grosse Pointe Park when they enter the jurisdiction; it is the same as when we enter other jurisdictions. The Dispatch notifies the jurisdiction that someone is coming through. At the present time, Detroit Police officers had no involvement in this whatsoever. He believed the investigators from Detroit were out. He addressed AC Black to provide information.

AC Black stated that the Homicide investigators responded to this scene and conducted a criminal investigation as they would any other shooting that takes place in the city of Detroit. At the conclusion of their investigation, they submit a warrant request to the Wayne County Prosecutor based upon the facts and it is up to the Prosecutor to make the determination as to whether or not, there are criminal charges to be filed. Essentially, we do this the way we do any other criminal investigation. We responded, investigated and submitted a report. It is his understanding that the Prosecutor did not choose to file any charges in this case.

Mr. Craciholo asked does this mean that the investigation is closed? There is no further action being taken into this incident by the police department or any other Wayne County or city of Detroit?

AC Shoulders stated that as AC Black indicated, once we have submitted our findings to the Wayne County Prosecutor, it was up to him to press charges. Since he did not, the Detroit Police Department for all technical purposes has finished the investigation. Whether there are any administrative reviews being done by Grosse Pointe Park, he did not know.

Ms Walters expressed how proud she was of our leadership in regards to the black out. The matter of respect for each jurisdiction is very important. She expressed her sadness over the gentleman who allegedly killed his children. She stated that mercury used in the mouths of individuals has a lot to do with medical problems.

Ron Scott stated that the Coalition on Police Brutality has been concerned about the Prosecutor's failure to aggressively pursue cases that in many cases merit other considerations. He did an investigation regarding the shooting in Grosse Pointe Park and there were many people who were not questioned about it and who in fact saw the entire event unfold.

AC Black stated with respect to the investigation, the traditional method for the investigators that respond to the scene, is to conduct a canvass of the neighborhood. At the time this is done, those persons who indicated that they actually saw the events, are asked to fill out a witness statement form. The detectives interview them and we move forward from there. If in fact, there are some witnesses that you are aware of, who actually saw the events and were not interviewed; he would certainly take that

information and make sure that they are interviewed. He stated that there were a number of persons out at the scene. A lot of those persons seemed to not actually see. If we missed someone, we would like those names and any information that you feel has not been looked at, he would be more than happy to have the Homicide Unit take that information.

8. ANNOUNCEMENT OF NEXT MEETING

Thursday, August 28, 2003, @ 3:00 p.m.
Police Headquarters
1300 Beaubien – Room 328-A
Detroit, MI 48226

9. ADJOURNMENT

Meeting was adjourned at p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/fyh